

JAMES L. DAY, ESQ. (197158)  
XOCHITL D. ARTEAGA, ESQ. (227034)  
MELANE E. GRISWOLD, ESQ. (234917)  
SETH R. MORRIS, ESQ. (244910)  
KATERYNA L. RAKOWSKY, ESQ. (246248)  
LATHAM & WATKINS, LLP  
505 Montgomery Street, Suite 2000  
San Francisco, CA 94111-2562  
Telephone: (925) 391-0600  
Facsimile: (925) 395-8095

Attorneys for Plaintiff,  
ALFREDO GONZALEZ

TIMOTHY P. MURPHY, ESQ. (120920)  
DOLORES M. DONOHOE, ESQ. (111432)  
EDRINGTON, SCHIRMER & MURPHY  
2300 Contra Costa Boulevard, Suite 450  
Pleasant Hill, CA 94523-3936  
Telephone: (925) 827-3300  
Facsimile: (925) 827-3320

Attorney for Defendant  
P.J. DENT

IN THE UNITED STATE DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ALFREDO GONZALEZ,

Plaintiff,

v.

P.J. DENT, T.J. MANTEL, J. MOSS, B.  
SONDERGARD, S. COPPOCK, A.  
TRAQUINA POSNER, JOHNSON, LEE,  
BOWMAN, J.W. LUMAN, G. ZAVALA, B.  
JIMINEZ, C. LONERO, N. GRANNIS, C.  
TREHUNE AND (3) JOHN/JANE DOES,

Defendants.

CASE NO.: CV 04-0107 VRW

**STIPULATION AND [PROPOSED]  
ORDER REGARDING VACATING  
PRETRIAL AND TRIAL DATES**

1 Pursuant to N.D. Cal. Civil L.R. 6-2, Plaintiff ALFREDO GONZALEZ and Defendant  
2 P.J. DENT, by and through their respective counsel of record, hereby stipulate and request as  
3 follows:

4 1. On March 1, 2007, this Court issued a Case Management Order setting various  
5 pretrial deadlines and a trial date. Included among these dates, the Court set the Joint Pretrial  
6 Conference for September 18, 2007. Trial was set for October 22, 2007.

7 2. On or about August 17, 2007, the parties to this action agreed to settle this case  
8 and are working toward incorporating their agreement into a final written agreement.

9 3. The settlement agreement covers all claims pending in this action and eliminates  
10 the need for the Court to resolve any issues in this case.

11 4. Because the Plaintiff, MR. GONZALEZ, is currently incarcerated in Salinas  
12 Valley State Prison and because any payment under the settlement agreement will be from a  
13 third-party, the California Department of Corrections and Rehabilitation ("CDCR"), the parties'  
14 agreement provides CDCR ninety days to satisfy payment obligations outlined by the agreement  
15 after receipt of the completed Payee Data Record, executed Agreement, the executed Dismissal  
16 and the passage of the state budget for fiscal year 2007-2008, whichever is later.

17 5. To avoid missing any of the Court's pretrial deadlines, the parties have agreed to  
18 vacate the pretrial deadlines and trial date as set forth in the Court's March 1, 2007, Case  
19 Management Order.

20 6. Once payment has been received according to the terms of the settlement  
21 agreement, counsel for Defendant will file a stipulation to dismiss this action with prejudice.

22 7. The parties have only requested one previous modification of the Case  
23 Management Order, which was to extend certain discovery deadlines (*see* Docket 143). The  
24 parties have not requested any modifications or extensions related to the pretrial or trial order.  
25

26 ///

27 ///

1 SO STIPULATED.

2  
3 Dated:

LATHAM & WATKINS, LLP

4  
5 \_\_\_\_\_  
/s/

6 Xóchitl D. Arteaga, Esq.  
Attorney for Plaintiff,  
ALFREDO GONZALEZ

7 Dated:

EDRINGTON, SCHIRMER & MURPHY

8  
9 \_\_\_\_\_  
/s/

10 Dolores M. Donohoe, Esq.  
Attorney for Defendant,  
P.J. DENT

11 **ECF CERTIFICATION**

12  
13 Pursuant to General Order No. 45, Sections X.B., the filing attorney attests that she has  
14 obtained concurrence regarding the filing of this document from each of the signatories to the  
15 document.

16 **PURSUANT TO STIPULATION, IT IS ORDERED THAT:**

17 On stipulation of the parties, and good cause appearing therefor, it is hereby ordered that  
18 all pretrial deadlines and the trial date in this action are **VACATED**.

19  
20 Dated: August 28, 2007

